

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

THE PHOENIX INSURANCE COMPANY,

Plaintiff,

-against-

THE FIRST LIBERTY INSURANCE  
CORPORATION,

Defendant.

Civil Action No. 1:22-cv-1265  
(LEK/CFH)

**STIPULATION OF DISMISSAL  
WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between the parties, Plaintiff, The Phoenix Insurance Company (“Plaintiff”), and Defendant, The First Liberty Insurance Corporation (“Defendant”), (collectively the “Parties”), pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), that the above-captioned action is hereby dismissed, with prejudice, against the Defendant.

IT IS FURTHER STIPULATED AND AGREED by and between the Parties, that each party is to bear their own costs and fees for this litigation.

This stipulation may be executed in counterparts.

Dated: New York, New York  
May 23, 2023

**USERY & ASSOCIATES**

By: /s/ Tariq J. Messineo  
Tariq J. Messineo, Esq.  
*Attorneys for Plaintiff*  
*The Phoenix Insurance Company*  
Main: 917.778.6680  
Fax: 844.571-3789  
Email: [tmessineo@travelers.com](mailto:tmessineo@travelers.com)

Dated: White Plains, New York  
May 23, 2023

**JAFFE & ASHER, LLP**

By: /s/ Marshall T. Potashner  
Marshall T. Potashner, Esq.  
*Attorneys for Defendant*  
*The First Liberty Insurance Corporation*  
445 Hamilton Avenue, Suite 405  
White Plains, NY 10016  
Tel: 212-687-3000  
[mpotashner@jaffeandasher.com](mailto:mpotashner@jaffeandasher.com)

Please address all correspondence

sent by mail to:

P.O. Box 2996  
Hartford, CT 06104-2996

Physical Address:

485 Lexington Avenue, 6<sup>th</sup> Floor  
New York, NY 10017

IT IS SO ORDERED:

Anne M. Nardacci

Anne M. Nardacci  
U.S. District Judge

Dated: May 30, 2023  
Albany, NY